

REMARKS

In the present Office Action, which was made Final, the Examiner rejected claims 1-3, 10, 11, 13, 15-19, 32, 33, 35 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Peters (U.S. Patent No. 2,842,155) in view of Weber (U.S. Patent No. 5,606,987) and rejected claims 4-6 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Peters in view of Weber as applied to claim 1 and further in view of the admitted prior art of Applicants' FIG. 2. The Examiner identified claims 7, 8, 12, 14, 20-31, 34, 36 and 38-43 as objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner identified claims 57-68 as allowed. As set forth in more detail below, it is the intent of this amendment to merely place the application in condition for allowance by rewriting the objected to claims in independent form, including all of the limitations of the base claim and any intervening claims. As such, the Applicants believe the amendments made in response to the Examiner's objections and rejections have placed the application in condition for allowance.

Set forth below is a table that shows the various claims that are currently pending in this application. The table sets forth those claims that are being amended by this Amendment and the new claims that are added to place the objected to claims in condition for allowance by including the limitations of their base claim and any intervening claims. The table includes the current claim number, the former claim(s) that make up the current claims, the dependency of the current claims and the change in dependency made to reflect the combining of the original claims to place the objected to claims in condition for allowance. As stated above, it is the intent of this amendment to merely accept the Examiner's allowed claims and place the objected to claims in condition for allowance, as permitted by 37 C.F.R. § 1.116 (specifically § 1.116(b)(1)). Except where noted, the language of the original claims remain the same.

	<u>Current Claim Number</u>	<u>Former Number(s)</u>	<u>Current Dependency</u>	<u>Dependency Change</u>
1				
2	1	1+7	Indep	---
3	2	2	1	No
	3	3	2	No
4	4	4	2	No
	5	5	4	No
5	6	6	1	No
	7	Cancelled	---	---
6	8	8	1	No
	9	9	1	No
7	10	10	1	No
	11	11	1	No
8	12	12	11	No
	13	13	11	No
9	14	14	13	No
	15	15	11	No
10	16	16	15	No
	17	17	16	No
11	18	18	17	No
	19	19	11	No
12	20	20	11	No
	21	21 (amended)	11	No
13	22	22	11	No
	23	23	1	No
14	24	24	23	No
	25	25	24	No
15	26	26	25	No
	27	27	26	No
16	28	28	23	No
	29	29	28	No
17	30	30	29	No
	31	31	30	No
18	32	32+33+34	Indep	---
	33	Cancelled	---	---
19	34	Cancelled	---	---
	35	35	33	32
20	36	36	35	No
	37	37	33	32
21	38	Cancelled	---	---
	39	Cancelled	---	---
22	40	Cancelled	---	---
	41	Cancelled	---	---
23	42	Cancelled	---	---
	43	Cancelled	---	---
24				
25	44-56	Previously cancelled - no changes in this amendment		
26	57-68	Previously allowed - no changes in this amendment		

RESPONSE/AMENDMENT

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<u>Current Claim Number</u>	<u>Former Number(s)</u>	<u>Current Dependency</u>	<u>Dependency Change</u>
69 (New)	1+8	Indep	---
70 (New)	2	69	---
71 (New)	3	70	---
72 (New)	4	70	---
73 (New)	5	72	---
74 (New)	6	69	---
75 (New)	9	69	---
76 (New)	10	69	---
77 (New)	1+11+12	Indep	---
78 (New)	1+11+13+14	Indep	---
79 (New)	1+11+20	Indep	---
80 (New)	1+11+21	Indep	---
81 (New)	1+11+22	Indep	---
82 (New)	1+23	Indep	---
83 (New)	24	82	---
84 (New)	25	83	---
85 (New)	26	84	---
86 (New)	27	85	---
87 (New)	28	82	---
88 (New)	29	87	---
89 (New)	30	88	---
90 (New)	31	89	---
91 (New)	32+33+35+36	Indep	---
92 (New)	37	91	---
93 (New)	32+38	Indep	---
94 (New)	33 (amended)	93	---
95 (New)	34	94	---
96 (New)	35	94	---
97 (New)	36	96	---
98 (New)	37	94	---

The amended independent claims 1 and 32 incorporate claims 7 and 33/34, respectively, to reflect the Examiner's objections to claims 7 and 34. New independent claims 69, 77-82, 91 and 93 reflect the Examiner's objections to various other claims (as set forth in the table above). The claims that depend from the various independent claims were originally dependent from the base claims.

Claim 21 is being amended herein to include the word "said" prior to "housing" to reflect the antecedent basis of that term.

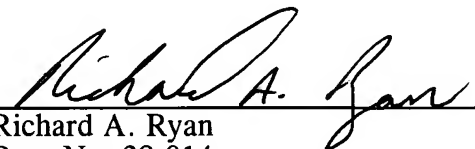
1 Claim 94 is an amended version of original claim 33. The change to this language was
2 made to make it clearer that the housing is disposed in the operating valve and the thermostatically
3 controlled bypass valve is disposed in an interior chamber of that housing. Applicants' believe that
4 the change to this language reflects that of original claim 33, which was dependent on claim 32.
5 Claim 94 is dependent on claim 93, which incorporates the limitations of claims 32 and 38 to reflect
6 the Examiner's objection to claim 38.

7 The original application included three independent claims and fifty-six total claims.
8 Previously, a total of thirteen claims, including one independent claim, were cancelled (claims 44-56)
9 and a total of twelve claims (claims 57-68), including one independent claim, were added. Prior to
10 this amendment, there were three independent claims and a total of fifty-five claims. This amendment
11 is canceling nine claims and adding a total of thirty new claims, including nine independent claims.
12 After this amendment, there will be a total of seventy-six claims, including twelve independent
13 claims, resulting in an increase over the originally filed claims of twenty total claims and nine
14 independent claims. As a result and additional fee of \$1,152.00 (\$18.00/claim for twenty total claims
15 and \$88.00/claim for nine independent claims for a non-small entity) is believed due and is included
16 herewith.

17 In view of the foregoing, it is submitted that this application is in condition for
18 allowance. Reconsideration of the rejections and objections in light of this Amendment is requested.
19 Allowance of claims 1-6, 8-32, 35-37 and 57-98 is solicited.

20 Dated: October 26, 2004.

Respectfully Submitted,

21 By 
22 Richard A. Ryan
23 Reg. No. 39,014

24 8497 N. Millbrook, Suite 110
25 Fresno, CA 93720
26 Phone: (559) 447-1837
e-mail: richard@fresnopatentlaw.com